

REMARKS/ARGUMENT

This Preliminary Amendment is being submitted to change the multiple dependent claims to single dependent claims in order to eliminate the improper multiple dependent claims and to reduce the government filing fee.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label # EL855845675US) in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on August 6, 2001:

Dorothy Jenkins

Name of Person Mailing Correspondence

Dorothy Jenkins
Signature

August 6, 2001

Date of Signature

EAM/jc

Respectfully submitted,

Edward A. Meilman
Edward A. Meilman
Registration No.: 24,735
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

00522989.1

APPENDIX A
"CLEAN" VERSION OF EACH PARAGRAPH/SECTION/CLAIM
37 C.F.R. § 1.121(b)(ii) AND (c)(i)

CLAIMS (with indication of amended or new):

(Amended) 4. A compound according to claim 1 wherein R1 is C1-C10 alkyl or hydrogen.

(Amended) 5. A compound according to claim 1 wherein R1 is methyl or hydrogen.

(Amended) 6. A compound according to claim 1 wherein R2 is alkyl, acyl, alkoxycarbonyl, aminocarbonyl, alkenyl or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl, or is hydrogen or alkylcarbonyl.

(Amended) 7. A compound according to claim 1 wherein R2 is alkyl, acyl, alkoxycarbonyl, aminocarbonyl, alkenyl or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or by halogen, or is hydrogen or alkylcarbonyl.

(Amended) 8. A compound according to claim 1 wherein R2 is C1-C10 alkyl or hydrogen.

(Amended) 9. A compound according to claim 1 wherein R2 is methyl or hydrogen.

(Amended) 10. A compound according to claim 1 wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; or alkylthio.

(Amended) 11. A compound according to claim 1 wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or halogen; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; or alkylthio.

(Amended) 12. A compound according to claim 1 wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; -C(=O)Rc, -C(=S)Rc or -S(O)pRc, where Rc is alkyl, haloalkyl, alkoxy, haloalkoxy, alkylthio, amino, monoalkylamino, dialkylamino or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio; or phenyloxy, phenylthio, carbocyclyl, heterocyclyl; alkoxy; haloalkoxy; or alkylthio.

(Amended) 13. A compound according to claim 1 wherein R4 is C1-C10 alkyl or halogen.

(Amended) 14. A compound according to claim 1 wherein R4 is methyl or ethyl or halogen.

(Amended) 15. A compound according to claim 1 wherein m is 0 or 1.

(Amended) 17. A compound according to claim 1 wherein, when present, R5 is attached at the 5 position of ring M.

(Amended) 18. A compound according to claim 1 wherein A is a direct bond, -O-, -A1-, -S(O)nA1-, -O(A1)k-, -S(O)n-, -NR9A2-, -A2-, -OA2-, -OA2-A1-, -NR9- or -O(A1)kO-.

(Amended) 19. A compound according to claim 1 wherein A is a direct bond, -O-, -S-, -NR9-, -CHR7- or -O-CHR7-.

(Amended) 20. A compound according to claim 1 wherein A is a direct bond or -O-.

(Amended) 21. A compound according to claim 1 wherein, when present, R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydrogen.

(Amended) 22. A compound according to claim 1 wherein, when present, R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or halogen; or is hydrogen.

(Amended) 23. A compound according to claim 1 wherein, when present, R9 is C1-C10 alkyl or hydrogen.

(Amended) 24. A compound according to claim 1 wherein, when present, R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.

(Amended) 25. A compound according to claim 1 wherein, when present, R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or by halogen; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.

(Amended) 26. A compound according to claim 1 wherein, when present, R7 is C1-C10 alkyl or hydrogen.

(Amended) 27. A compound according to claim 1 wherein A is attached to the 4 position of benzene ring M.

(Amended) 28. A compound according to claim 1 wherein R6 is optionally substituted aromatic heterocyclyl.

(Amended) 29. A compound according to claim 1 wherein R6 is optionally substituted thiazolyl, isothiazolyl, thiadiazolyl, pyridyl or pyrimidinyl.

(Amended) 30. A compound according to claim 1 wherein R6 is optionally substituted 1,2,4-thiadiazolyl.

(Amended) 31. A compound according to claim 1 wherein when substituted, R6 may be substituted by one or more substituents, which may be the same or different, and may be selected from the list: alkyl, alkenyl, alkynyl, carbo- or heterocyclyl, each of which may be substituted; hydroxy; mercapto; azido; nitro; halogen; cyano; acyl; optionally substituted amino; cyanato; thiocyanato; -SF₅; -OR_a; -SR_a and -Si(R_a)₃, where R_a is alkyl, alkenyl, alkynyl, carbocyclyl or heterocyclyl, each of which may be substituted.

(Amended) 34. A fungicidal composition comprising at least one compound as claimed in claim 1 in admixture with an agriculturally acceptable diluent or carrier.

(Amended) 35. A method of combating fungi at a locus infested or liable to be infested therewith, which comprises applying to the locus a compound as claimed in claim 1.

APPENDIX B
VERSION WITH MARKINGS TO SHOW CHANGES MADE
37 C.F.R. § 1.121(b)(iii) AND (c)(ii)

CLAIMS:

4. A compound according to [any preceding claim] claim 1 wherein R1 is C1-C10 alkyl or hydrogen.

5. A compound according to [any preceding claim] claim 1 wherein R1 is methyl or hydrogen.

6. A compound according to [any preceding claim] claim 1 wherein R2 is alkyl, acyl, alkoxycarbonyl, aminocarbonyl, alkenyl or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl, or is hydrogen or alkylcarbonyl.

7. A compound according to [any preceding claim] claim 1 wherein R2 is alkyl, acyl, alkoxycarbonyl, aminocarbonyl, alkenyl or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or by halogen, or is hydrogen or alkylcarbonyl.

8. A compound according to [any preceding claim] claim 1 wherein R2 is C1-C10 alkyl or hydrogen.

9. A compound according to [any preceding claim] claim 1 wherein R2 is methyl or hydrogen.

10. A compound according to [any preceding claim] claim 1 wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; or alkylthio.

11. A compound according to [any preceding claim] claim 1 wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or halogen; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; or alkylthio.

12. A compound according to [any preceding claim] claim 1 wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; -C(=O)Rc, -C(=S)Rc or -S(O)pRc, where Rc is alkyl, haloalkyl, alkoxy, haloalkoxy, alkylthio, amino, monoalkylamino, dialkylamino or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio; or phenyloxy, phenylthio, carbocyclyl, heterocyclyl; alkoxy; haloalkoxy; or alkylthio.

13. A compound according to [any preceding claim] claim 1 wherein R4 is C1-C10 alkyl or halogen.

14. A compound according to [any preceding claim] claim 1 wherein R4 is methyl or ethyl or halogen.

15. A compound according to [any preceding claim] claim 1 wherein m is 0 or 1.

17. A compound according to [any preceding claim] claim 1 wherein, when present, R5 is attached at the 5 position of ring M.

18. A compound according to [any preceding claim] claim 1 wherein A is a direct bond, -O-, -A1-, -S(O)nA1-, -O(A1)k-, -S(O)n-, -NR9A2-, -A2-, -OA2-, -OA2-A1-, -NR9- or -O(A1)kO-.

19. A compound according to [any preceding claim] claim 1 wherein A is a direct bond, -O-, -S-, -NR9-, -CHR7- or -O-CHR7-.

20. A compound according to [any preceding claim] claim 1 wherein A is a direct bond or -O-.

21. A compound according to [any preceding claim] claim 1 wherein, when present, R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydrogen.

22. A compound according to [any preceding claim] claim 1 wherein, when present, R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or halogen; or is hydrogen.

23. A compound according to [any preceding claim] claim 1 wherein, when present, R9 is C1-C10 alkyl or hydrogen.

24. A compound according to [any preceding claim] claim 1 wherein, when present, R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.

25. A compound according to [any preceding claim] claim 1 wherein, when present, R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or by halogen; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.

26. A compound according to [any preceding claim] claim 1 wherein, when present, R7 is C1-C10 alkyl or hydrogen.

27. A compound according to [any preceding claim] claim 1 wherein A is attached to the 4 position of benzene ring M.

28. A compound according to [any preceding claim] claim 1 wherein R6 is optionally substituted aromatic heterocyclyl.

29. A compound according to [any preceding claim] claim 1 wherein R6 is optionally substituted thiazolyl, isothiazolyl, thiadiazolyl, pyridyl or pyrimidinyl.

30. A compound according to [any preceding claim] claim 1 wherein R6 is optionally substituted 1,2,4-thiadiazolyl.

31. A compound according to [any preceding claim] claim 1 wherein when substituted, R6 may be substituted by one or more substituents, which may be the same or different, and may be selected from the list: alkyl, alkenyl, alkynyl, carbo- or heterocyclyl, each of which may be substituted; hydroxy; mercapto; azido; nitro; halogen; cyano; acyl; optionally substituted amino; cyanato; thiocyanato; -SF5; -ORa; -SRa and -Si(Ra)3, where Ra is alkyl, alkenyl, alkynyl, carbocyclyl or heterocyclyl, each of which may be substituted.

34. A fungicidal composition comprising at least one compound as claimed in [any one of claims 1 to 32] claim 1 in admixture with an agriculturally acceptable diluent or carrier.

35. A method of combating fungi at a locus infested or liable to be infested therewith, which comprises applying to the locus a compound as claimed [any one of claims 1 to 32] in claim 1.